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S.B. CIVIL MISC. APPEAL NO.2/2007.
Laad Devi & Ors. Vs. Arvind Kumar & Ors.

Date of Order :: 10th August 2007.

HON'BLE MR. JUSTICE DINESH MAHESHWARI

Mr. Sandeep Sarupariya, for the appellants.
Mr. T.R.Singh Sodha, for the respondent No.3.

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BY THE COURT:

In relation to the vehicular accident death of the victim, Shri Ghevar Chand, about 48 years of age, despite there being no cogent corroborative evidence on his alleged earnings as Director of a Private Limited Company, the Tribunal, with reference to the income-tax returns Exs. 12 and 13 filed by the victim himself and the overall circumstances, has put an estimate on his annual income at Rs.1,00,000/-; and after deducting one-third on his personal expenditure and with application of multiplier of 13, has assessed pecuniary loss at Rs.8,71,000/- (67,000 x 13); and while allowing another Rs.11,000/- towards general damages, has awarded compensation in the sum of Rs.8,82,000/-

The award is sought to be questioned in this appeal by the claimants, wife, three children and mother of the victim, as being low and inadequate.

Having examined the material on record, this Court is satisfied that the award in question even otherwise stands rather on the higher side particularly in view of the fact that no corroborative evidence in the form of accounts, whether of the victim or of the concerned Company, was produced; and then, despite taking multiplicand at a higher figure of Rs.67,000/-, the Tribunal has applied maximum side multiplier of 13. This Court is clearly of opinion that the award in question rules out any scope for enhancement.

The appeal fails and is, therefore, dismissed summarily.

(DINESH MAHESHWARI), J.

Mohan/